1761561N25A - SH-AD-32A (OAS 6/97)

#### COUNTY OF LOS ANGELES

# SHERIFF'S DEPARTMENT

"A Tradition Of Service"

DATE: July 21, 2011

FILE: FQ2271550

OFFICE CORRESPONDENCE

FROM:

JOSEPH S. HARTSHORNE, COMMANDER

OFFICE OF THE UNDERSHERIFF

TO:

JOSEPH M. GOODEN, CAPTAIN

INTERNAL AFFAIRS BUREAU

SUBJECT:

**EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:** 

**DEPUTY ALLISON HOLLAND #** 

DEPUTY

COMPTON STATION

On August 3, 2010, at approximately 0411 hours, Deputies Allison Holland and were patrolling in the area of 144<sup>th</sup> Street and Loness Ave when they saw a male black adult (later identified as S/Murphy) walking on Loness Avenue approaching 144<sup>th</sup> Street. When he saw the deputies, he immediately began to walk eastbound on 144<sup>th</sup> Street in apparent attempt to distance himself. Based on his actions, they decided to contact him.

As the deputies drove along side the suspect, they asked if they could speak to him. The suspect told them "Yeah, sure. I didn't come out from that house though." As Deputy Holland got out of the patrol car, she noticed the suspect appeared nervous and upset. Suspect Murphy began to repeatedly reach into his pants pockets and removed unknown items, dropping them onto the ground.

Deputy Holland told suspect Murphy several times to keep his hands out of his pockets, however, he did not comply. Based on his actions, they feared he may be retrieving a weapon, or attempting to discard contraband. For their safety, they conducted a pat down search for weapons.

As Deputy Holland began a pat down search, she felt a small bulge in suspect Murphy's left sock. Deputy Holland asked suspect Murphy what was in his sock. He replied, "It's nothing." She asked the suspect if it was narcotics. Suspect Murphy stated, "I'm not trying to be funny." Deputy Holland had the suspect sit in the back seat of their radio car.

Deputy Holland asked the suspect if he would remove his left shoe and sock. He complied. While doing so, a white piece of paper fell on to the asphalt. Deputy Holland recovered the piece of paper and found it to contain two pieces of rock cocaine.

They had the suspect get out of the car in order to place him under arrest. He stood next to the trunk area of the radio car. As Deputy Holland placed his hands behind his back, he forcefully turned to his left trying to face her. Believing he was trying escape or harm her, she and Deputy performed a team take down. When suspect Murphy feil on the ground, his hands were hidden under his body in his waist band area. Both deputies ordered the suspect to remove his arms from underneath his waist. The suspect did not comply; Deputy Holland tried to remove his left arm, and Deputy tried to remove his right arm. The suspect did not comply as they forcefully attempted to remove his arms form underneath his body. Deputy Holland who was on her knees, performed three knee strikes to suspect Murphy's left rib area. After the knee strikes, she was able to force his left arm behind his back Deputy was also able to force the suspect's right arm from underneath him and behind his back. Deputy Holland was able to handcuff him without anymore force.

Suspect Murphy was transported to Tri-City Hospital in Hawaiian Gardens. Suspect Murphy complained of pain to his left chest area. An X-ray showed a fracture of one of his ribs. He was given pain medication and was given an "OK to book."

On June 30, 2011 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

### Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Allison Holland and was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputies Holland and in this incident were within Department Policy.

JSH:RSP/rsp

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PERSONNEL INVESTIGATION FORM

INVESTIGATIVE SUMMARY

SUPERVISORS USE OF FORCE FORM

TRANSCRIBED INTERVIEWS

Deputy Holland's Interview Transcripts
Deputy Interview Transcripts

#### **EXHIBITS**

- A Incident Report Authored by Deputy Holland.
- B- Supplemental Report Authored by Deputy
- C- Supplemental Report Authored by Sergeant King. Audio CD's of interview with suspect Murphy, possible witness to the Use of Force, and Photos of suspect injuries.
- D- Copy of suspect Murphy's Booking Packet.
- E- Copy of suspect Murphy's Consolidated Criminal History
- F- Photographs of the location where the Use fo Force took place.

#### MISCELLANEOUS DOCUMENTS

Admonition Forms and Scene Photos Copy of the EM In-Service from August 03, 2010

## COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

### INVESTIGATIVE SUMMARY

UNIT:

Compton Station

DATE:

August 3, 2010

TIME:

0411 hours

LOCATION: 144th Street / Loness Ave. Compton 90221

URN#:

910-13594-2872-181

AB#:

FO2271550

#### NATURE OF INCIDENT:

On August 3, 2010, at approximately 0411 hours, Deputies Holland and patrolling in the area of 144th Street and Loness Ave when they saw a male black adult (later identified as S/Murphy) walking north bound on Loness Ave approaching 144th Street. When he saw the deputies, he immediately began to walk eastbound on 144th Street in apparent attempt to distance himself from the deputies. Based on his actions, they decided to contact him.

As the deputies drove along side the suspect, they remained in their car. They asked him if they could speak to him. The suspect told them "Yeah, sure. I didn't come out from that house though." As Deputy Holland got out of the patrol car, she noticed that the suspect appeared nervous and upset. Suspect Murphy began to repeatedly reach into his pants pockets and removed unknown items, dropping them onto the ground.

Deputy Holland told suspect Murphy several times to keep his hands out of his pockets, however, he did not comply. Based on his actions, they feared he may be retrieving a weapon, or attempting to discard contraband. For their safety, they conducted a pat down search for weapons.

As Deputy Holland began a pat down search, she felt a small bulge in suspect Murphy's left sock. Deputy Holland asked suspect Murphy what was in his sock. He replied, "It's nothing." She asked the suspect if it was narcotics. Suspect Murphy stated, "I'm not trying to be funny." Deputy Holland had the suspect sit in the back seat of their radio car.

Deputy Holland asked the suspect if he would remove his left shoe and sock. He complied. While doing so, a white piece of paper fell on to the asphalt. Deputy Holland recovered the piece of paper and found it to contain two pieces of rock cocaine.

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They had the suspect get out of the car in order to place him under arrest. He stood next to the trunk area of the radio car. As Deputy Holland placed his hands behind his back, he forcefully turned to his left trying to face her. Believing he was trying escape or harm her, she and Deputy performed a team take down. When suspect Murphy fell on the ground, his hands were hidden under his body in his waist band area. Both deputies ordered the suspect to remove his arms from underneath his waist. The suspect did not comply; Deputy Holland tried to remove his left arm, and Deputy remove his right arm. The suspect did not comply as they forcefully attempted to remove his arms form underneath his body. Deputy Holland who was on her knees, performed three knee strikes to suspect Murphy's left rib area. After the knee strikes, she was able to force his left arm behind his back Deputy was also able to force the suspect's right arm from underneath him and behind his back. Deputy Holland was able to handcuff him without anymore force.

Sergeant King responded to the location and was notified of the force that was used.

Suspect Murphy was transported to Tri-City Hospital and was treated for his injuries. He received an "Ok" to book.

IAB Note: Deputy Holland's Incident Report is included in this case book. See

Exhibit A. Supplemental Reports are also included, see Exhibits B.

and C.

Internal Affairs Bureau Lieutenant Stefanie Fredericks was notified, and Sergeant Scott Graham responded to Compton Station to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

#### INVOLVED PERSONNEL:

Allison Holland - Deputy Sheriff, Employee #

Compton Station

Patrol, Field Operations Region II

Date of Employment:

05-24-2006

Date Assigned to Unit:

Prior Founded Force Incidents:

Deputy Sheriff, Employee #

Compton Station

Patrol, Field Operations Region II

Date of Employment: Date Assigned to Unit: 12-13-1993

Prior Founded Force Incidents:



#### INVOLVED SUSPECT:

Murphy, Victor Allen Sex: Male Black Race: Date of Birth: June 10, 1943 Booking # 2426050 Charge: 11350 (a) H/S, 148 (A)(1) PC Broken Left Rib, , Abrasions Injury: The Consolidated Criminal History System Suspect Murphy A copy of Suspect Murphy's criminal history is included in this report. IAB Note: See Exhibit E. SWORN DEPUTY WITNESSES: None NON-DEPARTMENT WITNESSES: None INVOLVED EMPLOYEE STATEMENTS: Deputy Allison Holland # was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Carlos Flores, on August 19, 2010, at 0936 hours, at Internal Affairs Bureau. The interview was digitally audio recorded. Deputy Holland said that she and her partner, Deputy detained Suspect Murphy because they believed that he had just come from a known narcotics house. During the detention, suspect Murphy was found to be in possession of rock cocaine. As Deputy Holland began to place suspect Murphy under arrest, as she placed his hands behind his back and he forcefully turned to his left. Believing he was trying to escape, or hurt her to avoid being arrested, she conducted a take down of suspect Murphy. During the take down, suspect Murphy placed his hands under his body in his waist band area. Because he was laying on his stomach, Deputy Holland and Deputy ordered him to put his hands behind his back. He did not comply and they forcefully tried to remove them. As suspect Murphy was resisting, Deputy Holland kneed him in his left rib area

INVESTIGATIVE SUMMARY

IAB # FO2271550

were both able

three times. Because of the knee strikes, Deputies Holland and

to pull both of suspect Murphy's hands behind his back and handcuff him.

When Deputy Holland was asked why she utilized the knee strikes, she stated that she has trained using this technique in the past and found it to be successful. She was asked if she had thought of other less lethal options and she said the she did, but this seemed to be the best option at the time.

Deputy Holland authored an Incident Report (Exhibit A) documenting her observations

and actions. For additional information refer to Deputy Holland's report and verbatim interview transcripts.
Bureau. The interview was digitally audio recorded.
Deputy said that she and her partner, Deputy Holland # detained Suspect Murphy because they believed that he had just come from a known narcotics house. The suspect was found to be in possession of rock cocaine.
As Deputy Holland began to place suspect Murphy under arrest, she placed his hands behind his back and he forcefully turned to his left. Believing he was trying to hurt her partner, Deputy assisted in the take down of suspect Murphy. During the take down, suspect Murphy' placed his hands under his body in his waist band area. Because he was laying on his stomach, Deputy stated that she ordered the suspect to put his hands behind his back. He did not comply. She and Deputy Holland forcefully tried to remove them.
As suspect Murphy was resisting, Deputy stated that she placed her knee on his back as she tried to pull his arm out from under his body.
Deputy said that she dug her knee into suspect Murphy's back and she was able to pull his right arm out from under his body. She and Deputy Holland were able to pull both of suspect Murphy's hands behind his back and handcuff him. No other force was used to effect the arrest.
She was asked if she had thought of other less lethal options and she said the she did, but this seemed to be the best option at the time, as she did not want to let go of the suspect.
Deputy authored a Supplemental Report (Exhibit B) documenting her observations and actions. For additional information refer to Deputy and verbatim interview transcripts.

#### SUSPECT'S STATEMENTS:

On August 5, 2010, Internal Affairs Bureau Sergeants Scott Graham and John Rossi went to the Twin Towers Custody Facility and conducted an interview with suspect Murphy regarding the incident. Suspect Murphy agreed to talk with us about the incident. The interview was digitally audio recorded.

The following is a summarization of the interview: Suspect Murphy told us that he was stopped for no reason. He stated he was searched, and placed in the back seat of the radio car. The next thing he knew, he was being pulled out of the car and "slammed" on the ground. He stated that the deputies "for no reason", began pulling on his arms. He also stated that he was "choked out" until he "blacked out." Suspect Murphy further stated that the deputies grabbed him by his pony tail, and "slammed " his face into the sidewalk several times. Suspect Murphy also stated that he was kicked and punched several times without cause.

When asked if he was completely co-operative with the deputies, he stated that he was. Suspect Murphy was asked if he did anything that would cause the deputies to take the actions they did. He stated he complied with their instructions. He did say that when they were putting the handcuffs on, he did turn to ask them why he was being arrested.

When suspect Murphy was asked if he had any narcotics in his possession, he denied having any.

IAB Note: Two pieces of Rock Cocaine were recovered from Suspect Murphy's sock.

IAB Note: Suspect Murphy did not have any injury to his head, face or neck area.

#### SUSPECT'S INJURIES:

Suspect Murphy was transported to Tri-City Hospital in Hawaiian Gardens. He was treated by Emergency Room Physician, Doctor Orlino for abrasions on his arm. He received a patient number of

While getting the "OK to book", suspect Murphy complained of pain to his left chest area. An X-ray showed a fracture of one of his ribs. He was given pain medication and was given an "OK to book."

IAB Sergeant Scott Graham telephoned and spoke to the treating E.R. physician Dr. Orlino. Dr. Orlino stated that the suspects injuries were consistent with the force used. He also stated that the fracture to the suspect's left rib was a new injury, not a pre-existing injury.

IAB Note: A copy of suspect Murphy's "Ok to Book," and discharge instructions,

are included in this case book. See Exhibit D.

#### **DEPUTY PERSONNEL:**

None of the deputy personnel were injured in this altercation.

#### PHYSICAL EVIDENCE:

No physical evidence was collected at the scene by Internal Affairs Bureau Investigators. However, evidence collected by the handling deputies was documented in their Incident Report. (**Exhibit A**).

#### INVESTIGATORS OBSERVATIONS:

There were no observations of the scene due to the fact this incident was assigned to IAB on August 4, 2010, the day after the incident, when the fracture was diagnosed.

Digital photographs of the scene were taken, and are included in this case book. (Exhibit F).

Sergeant Matthew King canvassed the area for potential witnesses. He authored a supplemental report with is findings, and conducted video recorded interviews. **(Exhibit C).** None of the citizens he contacted, witnessed the incident.

#### WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, hands, knee.

#### WEAPONS USED BY SUSPECT:

Personal weapons, hands.

#### PROPERTY DAMAGE:

None

#### CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Jorge Padilla # Deputy, Compton Narcotics

Court: Superior Court - Compton

Charges Filed: 11350(a) H/S

IAB Note: On August 5, 2010, the District Attorney's Office, out of Compton

INVESTIGATIVE SUMMARY IAB # FO2271550

Superior Court, filed the above listed charges against Suspect Murphy.

### WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred on a clear early morning, at 0410 hours.

# Los Angeles County Sheriff's Department Servisor's Report on Use of Face Page 1 of 3

Incident Information URN: 9 1 0 - 1 3 5 9 4 - 2 8 7 2 181 Date: Time: 8/3/10 0411 Hours 144th Street / Loness Ave City or Station: Location: Compton YES INO X Bureau/Station/Facility: Admin. Investigation: Compton Station Type of Force: Significant / Take Down, Personal Weapon (Knee) Deputy Injury : YES NO X YES 🛛 NO 🗌 Suspect Injury Call M Observation Detail Foot Pursuit ☐ Vehicle Pursuit IAB Notified: YES NO Person Notified: Lt. Fredericks IAB Roll Out: YES NO Emp: Involved Employee Employee # Last Name First Name Middle Name Holland Allison Sex: Unit of Assignment: Race: Work Assignment (Unit #, Module, etc.): Male Female W Compton Station 287H EM's Shift Height: Weight: Age: Regular Shift OT Shift Off Duty X EM PM Day 5-06 147 Coroner Case # Directed Force Admitted Hospital: Injured Treated Significant Force First Name Employee Last Name Middle Name Sex: Unit of Assignment: Race. Work Assignment (Unit #, Module, etc.): Male W Compton Station 287H EM's Shift Age: Height: Weight: OT Shift Off Duty Regular Shift 🖾 EM Day PM 150 5-06 Coroner Case # Directed Force Admitted Hospital: Injured Treated Significant Force Last Name First Name Middle Name Employee # Sex: Unit of Assignment: Race: Work Assignment (Unit #, Module, etc.): Male Female Shift: Height: Weight: Age: Regular Shift OT Shift Off Duty EM PM Directed Force Coroner Case # Admitted Injured Treated Significant Force Hospital: Additional Involved Employees On Duty Supervisor Witness to Incident First Name Present Emp\_# Last Name Middle Name Rank YES 🗌 NO 🔯 YES NO Matthew King Sqt. Witness to Incident Present Middle Name Rank First Name Last Name Emp.# YES NO YES NO Watch Sergeant Middle Name Last Name First Name Emp Walker Corev Watch Commander Last Name First Name Middle Name Emp. Yokoyama Hiroshi Watch Commander (Print Name) Watch Commander's Signature: Emp #: Date Scott A. Graham Supervisor Completing Form: (Print Name) Copy Provided to Employee by: Emp #: Emp#: Unit Commander (Print Name) Unit Commander's Signature: Date Emp#. DISCOVERY Use Only Original: Discovery Unit

SH-R-438P (Rev. 12/07)

Copy: Unit Commander

FO#

# Supervisor's Report on Use of Force SUSPECT INFORMATION

910-13594-2872-181

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	Suspect Information													
1	Last Name	Murphy		First Name		Victor	r	Middle	Name	F	Allen			
	AKA Last Name			First Name			Middle Name							
	Sex: Male Female	Race: B	Street Address:				City:			e & Zip (	Code:			
	Work Phone:	Home Phon		Age: 66	Height: 6-(		06-10-43	3 We	eight: 180		Armed?			
	Booking #: 2426050	Primary Cha	rge Code: 113	350 H/S	Seconda	ary Charge	e Code:	48 P/			al History			
	EMT in attendance? YES	NO Na	me:	1 1010101	Unit:					Phone #				
	Hospital Admission? Rec'd Treatment At: Tri City Regional Medical Ctr Coroner Case #:									Menta	l History			
	By Doctor: Dr. 0	Orlino	Address:	21530 South	Picneer BI, I	lawaiian G	ardens, 90716	Phor	ne #:(	562-86	60-0401			
1	Under Influence: YES	⊠ NO	Substance:		Carrier and S	. 4 selections of temperature .	OSSESSED MANAGEMENT OF THE	Mental Illness						
ı	Date:		Time:	Audio	1	/ideotape:				njuries:				
		and it.		Suspect In							.,,			
	Last Name			First Name				Middle	e Name					
	AKA Last Name				Middle	э Нате								
	Sex: Male Female	Race:	Street Address:				City:			Stale & Zip Code:				
ſ	Work Phone:	Home Phone	2,4	Age: Height:			D.O.B. Weigh				Armed?			
Į	Booking #:	arge Code:	Secondary Charge Code;					Griminal History						
	EMT in attendance? YES	Unit				Phone #:								
	Hospital Admission?	Rec'd Treatm	ent At:		Mental History Phone #:									
	By Doctor:		Address:											
	Under Influence: YES		Substance:	stance:Suspensine;wey.							Mental Illness:			
1	Date:	reason of relative	Time:		tape:	_	√ideotape:				njuries:			
			S	uspect Info	rmation									
	Last Name			First Name	•			Midd	le Name					
	AKA Last Name			First Name				Middle Name						
	Sex: Maie Fema	Race:	Street Address:				City:		Sta	te & Zip	Code:			
	Work Phone:	Horne Phone	e:	Age:	Height		D.O.B.	V	Veight:		Armed?			
Ì	Booking #:		Criminal History											
	EMT in attendance? YE		Unit:				Phone #:							
ſ	Hospital Admission?	Rec'd Treatm	nent At			Co	roner Case #		one #:	Men	tal History			
ŀ	Under Influence: YES	I NO	Substance:					T	_	Mental	lilness [			
	Olider illiderice.					W-184%				November 1	0.00			
ĺ	Date:		Time:	Audi	otape:		Videotape:				njuries:			
	SH-R-438P (Rev. 12/07)  Additional Suspects Involved													

# Supervisor's Report on Use of Force 9 1 3 - 1 3 5 9 4 - 2 8 7 2 - 1 a 1

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#### Method

(AW)	Arwen	(FH)	Firearm (Handgun)	(PO)	Personal Weapon (Other)
(BC)	Baton: (Control)	(FR)	Firearm (Rifle)	(RS)	Resistance
(BI)	Baton: (Impact)	(FS)	Firearm (Shotgun)	(CN)	Restraint Device (Capture Net)
(BF)	Bodity Fluids	(FO)	Firearm (Other)	(RH)	Restraint Device (Handcuffs)
(CN)	Canine	(FB)	Flashbang	(HB)	Restraint Device: Hobble (Legs Only)
(CR)	Carotid Restraint	(FL)	Flashlight	(TP)	Restraint Device: Hobble (TARP)
(CH)	Chake Hold	(OE)	Other Weapon: Edged	(RE)	Restraint Device: REACT Belt
(CT)	Control Holds: (Control Techniques)	(OV)	Other Weapon: Vehicle	(SP)	Sap
(TT)	Control Holds: (Team Takedown)	(OB)	Other Weapon: Blunt Object	(SH)	Shield
(TD)	Control Holds: (Takedown)	(00)	Other Weapon: Other	(SG)	37mm Stinger
(CE)	Chemical	(PK)	Personal Weapon: Feet/Leg: (Kick)	(SB)	Sting Ball
(OC)	Chemical Agents (OC Spray)	(PS)	Personal Weapon: Feet/Leg: (Sweep)	(ST)	Stun Bag
(TG)	Chemical Agents (Tear Gas)	(PH)	Personal Weapon (Hand/Arm)	(TR)	Taser
(EX)	Explosives	(PP)	Personal Weapon (Push)	(UC)	Uncooperative

(EX)	Explosives		(PP	) Pers	ional Weapon (Push)		(UC) Unco	operat	ive		
Туре	of Injury					Bod	y Part Inju	red			
(BR) (BU) (CP) (CO)	Abrasion Bruise Burn Complaint of Pain Concussion Death Dislocation	(FR) (GS) (HB) (LC) (ND)	Dog Bite Fractures Gunshot Human Bite Lacerations Nerve Damage Organ Damage	(SD) (ST) (UN) (RM)	Paralysis Puncture Wound Soft Tissue Damage Sprain/Twists Unconscious Refused Med Treatment NONE	(AD) (AK) (AR) (BK) (BT) (CH) (EL)	Abdomen Ankle Arm Back Buttocks Chest Elbow	(FE) (FI) (GE) (GR) (HD)	Face Feet Fingers Genitals Groin Hands Head	(H) (EXX) (LEX) (SH) (SH) (SH)	Hip Internal Knees Leg Neck Nose Shoulder Wrist

FORCE USED E	BY	FORCE USED AGA	INST	Method	Type of	Body Part	
Name	E# or S#	Name E# or S#		(Code)	injury (Code)	(Code)	
Victor Murphy	S1	Deputy Holland	E1	RS	NN		
Deputy Holland	E1	Victor Murphy	S1	CT	NN		
Deputy Holland	E1	Victor Murphy	S1	T	NN		
Deputy	E2	Victor Murphy	S1	П	AB		
Victor Murphy	S1	Deputy Holland	E1	RŞ	NN		
Victor Murphy	S1	Deputy	E2	RS	NN		
Deputy Holland	E1	Victor Murphy	S1	PO	FR	CH	
Deputy Holland	E1	Victor Murphy	S1	CT	NN		
Deputy	E2	Victor Murphy	S1	CT	NN		
Deputy Holland	E1	Victor Murphy	S1	RH	NN		
Deputy	E2	Victor Murphy	S1	RH	NN		
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